THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.10980 of 2005

DATED: 05-09-2005

Between:

Jagathi Nehru, S/o. Thimmaraju,

Aged about 38 years, Occ: Cultivation,

R/o. Purushothampally (V), Nidadavole (M)

West Godavari District. …Petitioner

AND

1. The Assistant Commissioner,

Endowments Department,

Rajahmundry, E.G.District

And two others …Respondents

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.10980 of 2005

ORDER:

This writ petition is filed seeking a direction, in the nature of writ of mandamus declaring the action of the 2nd respondent herein in rejecting the Appeal No.220/2004, dated 28-02-2005, filed by the petitioner, confirming the orders passed by the 1st respondent herein in MA.No.344/2004, dated 16-12-2004 as illegal and arbitrary.

The learned Counsel for the petitioner contended that the 2nd respondent in the impugned proceedings stated two contradictory statements viz., at one stage, the 2nd respondent stated that the petitioner is cultivated tenant whereas at another stage, he stated that the petitioner is not a cultivator. He further contended that the order does not clearly indicate the reasons to come to a conclusion that the petitioner is not a cultivating tenant, and hence, he prays to set aside the same.

On the other hand, the learned Government Pleader appearing for respondents contended that the impugned order does not suffer from any infirmities.

As rightly contended by the learned Counsel for the petitioner, as seen from the impugned proceedings, two contradictory statements have been recorded in the impugned proceedings. It is not known on what basis, these two contradictory statements were given in the impugned proceedings. Therefore, it is a matter of where the 1st respondent/Assistant Commissioner is required to dispose of the

appeal in accordance with law after affording a reasonable opportunity to the petitioner.

Accordingly, the writ petition is allowed and the impugned proceedings are set aside and the matter is remanded to the 1st respondent to dispose of the appeal, in accordance with law, after affording a reasonable opportunity to the petitioner.

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K. C. BHANU, J.

DATED: 05-09-2005

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